

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**February 28, 2002**

DIVISION ONE

B143189      Allensworth      (Not for Publication)

v.  
City of Los Angeles, et al.

The judgment is affirmed.

Mallano, J.

We concur:    Spencer, P.J.  
                         Ortega, J.

B149839      Duker      (Not for Publication)

v.  
Shipow et al.

The judgment is affirmed.

Mallano, J.

We concur:    Spencer, P.J.  
                         Ortega, J.

B155160      Lovelle C.      (Not for Publication)

v.  
Superior Court, Los Angeles County  
(L.A. County Department of Children & Family Services, r.p.i.)

The petition is denied.

Mallano, J.

We concur:    Spencer, P.J.  
                         Ortega, J.

## DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

DIVISION TWO

Court convened at 9:00 A.M.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and J. Hatter, Deputy Clerk.

Each of the following:

B146659 People v. Jones  
B148511 People v. Hidalgo  
B148323 People v. Medel  
B148173 People v. Jones  
B149291 People v. Gabriel F.  
B151034 People v. Parker  
B149128 People v. Brown  
B149585 People v. Stoops  
B149453 People v. Wasson  
B149549 People v. Britton  
B155212 Linda I. v. S.C.L.A.  
B150266 DCFS v. Priscilla S.  
B155561 Edward Z. v. S.C.L.A.

Argument waived, cause submitted.

DIVISION TWO (Continued)

B146828     People  
              v.  
              Luis H.

Merits:

Argued by Michael R. Johnsen, deputy attorney general, for respondent and by Katharine Greenebaum for appellant. Cause submitted.

B149726     Hankin  
              v.  
              Look

Merits:

Argued by Evan D. Marshall for appellant and by Sidney Croft for respondent. Cause submitted.

B142521     Placita Plaza  
              v.  
              Fedida

Appearances:

Thomas Collins for respondent. No appearance made by Gabriel Fedida, appellant. Argument waived, cause submitted.

B144511     People  
              v.  
              Higgins

Merits:

Argued by Catherine Okawa, deputy attorney general, for respondent and by Marilyn Burkhardt for appellant. Cause submitted.

DIVISION TWO (Continued)

B141705     Meged  
              v.  
              5915 Franklin Associates

Merits:  
Argued by Dennis Riley for appellant and by Jan A. Yoss for respondent.  
Cause submitted.

B139332     Mei Ling  
              v.  
              California Breeze HOA

Merits:  
Argued by Mei Ling for appellant and appearance made by Stephen Press  
for respondent. Cause submitted.

B146419     Pitkin  
              v.  
              Fidelity National Title Ins.

Merits:  
Argued by John Hamilton for respondent and by Kenneth Aran for  
appellant. Cause submitted.

Court recessed.

Court reconvened at 1:00 P.M.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and J. Hatter, Deputy  
Clerk.

B145276     Stimpfel  
              v.  
              Fensten & Gelber

Merits:  
Argued by Ted Stimpfel, appellant in propria persona, and by Roy G.  
Weatherup for respondent. Cause submitted.

DIVISION TWO (Continued)

B146029     Haddad  
              v.  
              Modern Homecare Pharmacy

Merits:  
Argued by Timothy Gorry for respondent and by Marjorie G. Fuller for  
appellant. Cause submitted.

B146368     Hagberg  
              v.  
              California Federal Bank

Merits:  
Argued by Honey Kessler Amado for appellant and by Jules S. Zeman for  
respondent. Cause submitted.

B146103     Pepper  
              v.  
              Slone

Merits:  
Argued by Moncia Lea Slone, appellant in propria persona. No appearance  
by counsel for respondent. Cause submitted.

B147046     Akoidu  
              v.  
              Greyhound Lines, Inc., et al.

Merits:  
Argued by Ije Onejeme for appellant and by Debbie L. Freedman for  
respondents. Cause submitted.

Court adjourned.

DIVISION TWO (Continued)

B153265     American Federation of State, County,  
                 & Municipal Employees Local 2620 et al  
                 v.  
                 SCLA  
                 Morshedian

Filed order denying petition for rehearing.

B147721     DeFlores, et al  
                 v.  
                 EHG National Health Services, et al

Filed order denying petition for rehearing.

DIVISION THREE

B144476     California Wholesale                    (Certified for Publication)  
                 Material Supply, Inc.  
                 v.  
                 Norm Wilson & Sons, Inc.

The order denying Wilson's motion for attorney fees is reversed. The order on the motion to strike or tax costs is reversed insofar as it struck the item of attorney fees from the memorandum of costs, and is otherwise affirmed. The matter is remanded for a determination of the amount of attorney fees to which Wilson is entitled as the prevailing party in this action. CalPly's request for sanctions on appeal is denied. Wilson shall recover its costs on appeal.

Klein, P.J.

We concur:    Croskey, J.  
                 Aldrich, J.

### DIVISION THREE (Continued)

B147414      People      (Certified for Publication)  
v.  
Gallegos, et al.

The trial court's order suppressing the marijuana, assault weapons, scale, firearms. Mongols jacket, brass knuckles, oxygen tank, and bulletproof vest discovered in the search is reversed.

Aldrich, J.

We concur: Klein, P.J.  
Kitching, J.

B147071 People (Not for Publication)  
v.  
Ernesto V.

The order of wardship is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B151130      Anthony Cardinale      (Not for Publication)  
v.  
Barbara Hearn, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

DIVISION THREE (Continued)

B143366      Brian Gallop et al.                      (Not for Publication)  
v.  
Century 21 Casa & Estates et al.

The judgment in favor of Caldwell and against plaintiffs is reversed and the trial court is directed to enter a judgment notwithstanding the verdict, in favor of plaintiffs and against Caldwell, in the amount of \$110,000, together with an award of costs for plaintiffs. The trial court is further directed to amend the judgment in favor of plaintiffs and against the Century 21 defendants in the amount of zero dollars by deleting the directive that the Century 21 defendants and the plaintiffs "shall bear their own costs and disbursements on the negligence claim," and inserting, in its place, an award of costs for plaintiffs. Plaintiffs shall recover costs on appeal from the Century 21 defendants and Caldwell, who shall all bear their own costs on appeal.

Croskey, J.

We concur:   Klein, P.J.  
                  Kitching, J.

B152112      Dale Sheldon Barnes                      (Certified for Publication)  
v.  
Superior Court, Los Angeles County  
(The People, r.p.i.)

The order to show cause heretofore issued is discharged. A peremptory writ of mandate shall issue directing the trial court to vacate its August 3, 2001 order denying Barnes' request that his suppression motion be heard by the judge who granted the motion at the first hearing, Judge Terry Smerling, and to instead enter an order granting that request. The stay of proceedings heretofore issued shall be vacated as of the date of the remittitur herein.

Croskey, J.

We concur:   Klein, P.J.  
                  Aldrich, J.



DIVISION THREE (Continued)

B143674      Cadvan O. Griffiths                      (Certified for Partial Publication)

v.

Superior Court, Los Angeles County

(Medical Board of California, r.p.i.)

The petition is denied. Each party to bear their own costs in this proceeding. The alternative writ is discharged.

Kitching, J.

We concur:   Klein, P.J.  
                  Croskey, J.

DIVISION FOUR

B145939      People    (Not for Publication)

v.

Carter

The judgment is modified to reflect stay of sentence on count 2, such stay to become permanent upon completion of sentence on count 1. In all other respects, the judgment is affirmed.

Epstein, J.

We concur:   Vogel (C.S.), P.J.  
                  Hastings, J.

B151157      People    (Not for Publication)

v.

Belachew

The judgment is affirmed.

Curry, J.

We concur:   Vogel (C.S.), P.J.  
                  Hastings, J.

DIVISION FIVE

B150482     Harold Stutz et al                    (Not for Publication)  
               v.  
               Michael Cloyd

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur:   Turner, P.J.  
                     Grignon, J.

B148274     Los Angeles County, D.C.F.S.     (Not for Publication)  
               v.  
               Valerie J.  
               In re Antoinette J.

The judgment is affirmed.

Mosk, J.

We concur:   Grignon, Acting P.J.  
                     Armstrong, J.

B150769     Los Angeles County, D.C.S.  
               v.  
               Judith S.

Filed order denying petition for rehearing.

## DIVISION SIX

B149333 People (Not for Publication)  
v.  
Ferrel

Appellant's sentence and the true finding on the "strike" allegation are vacated. The matter is remanded for retrial of this allegation and for resentencing. In all other respects, the judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

B150539      Frerer      (Not for Publication)  
v.  
Henley-Frerer

The judgment is reversed. Respondent shall bear costs on appeal.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.

B143868      McGowen                      (Not for Publication)  
v.  
Higbee

The judgment is affirmed. Costs are awarded to respondents.

Gilbert, P.J.

We concur: Yegan, J.  
Perren, J.

## DIVISION SIX (Continued)

B147239 People (Not for Publication)  
v.  
Smith

The judgment is affirmed.

Perren, J.

We concur:    Gilbert, P.J.  
                         Yegan, J.

B150437 People (Not for Publication)  
v.  
Acosta

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Perren, J.

## DIVISION SEVEN

B140133      Bechtel Petroleum Operations      (Certified for Publication)  
v.  
Continental Insurance Company

The judgments are affirmed. Respondent insurers are to recover their costs on appeal..

Boland, J. (Assigned)

We concur: Johnson, Acting P.J.  
Woods, J.

## DIVISION SEVEN (Continued)

B145121 People (Not for Publication)  
v.  
Enriquez

The judgment is modified to award defendant 365 days of custody credit against the subordinate 16-month terms imposed in the present case. In all other respects, the judgment is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Woods, J.

B149642      Kajima Engineering and Construction  
v.  
City of Los Angeles

Filed order denying petition for rehearing.

## DIVISION EIGHT

B146868      People                                  (Not for Publication)  
v.  
Walker et al.

The judgments are affirmed.

Boland, J.

We concur: Cooper, P.J.  
Rubin, J.

## DIVISION EIGHT (Continued)

[illegible]

For the reasons set forth above, the judgment is reversed only to the extent consecutive terms were imposed on counts 13-16 pursuant to Penal Code section 667.61, subdivision (g). The matter is remanded for a resentencing hearing on that issue alone. At that hearing, the trial court shall reconsider the imposition of consecutive or concurrent terms in light of *People v. Jones*, supra, 25 Cal.4th 98. In all other respects the judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.